

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 657 OF 2016
IN
FIRST APPEAL NO. 1522 OF 2006**

Firoza Rohinton Kanga	}	Applicant
in the matter of		
Union of India	}	Appellant
versus		
Smt. Piroja Hirji Kanga	}	
and Ors.	}	Respondents

Mr. Shehzad Najam i/b. M/s. Maneksha
and Sethna for the applicant.

Mr. Nalanda Jadhav i/b. Mr. N. R. Bubna
for respondent no. 2.

Mr. S. R. Rajguru i/b. Mr. Ganesh Sovani
for respondent no. 1.

Mr. G. S. Hegde for respondent no. 5.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- DECEMBER 16, 2016

P.C. :-

1. Heard both sides.
2. Rule.
3. Rule is made returnable forthwith. The contesting parties waive service.

4. For the reasons that are set out in the application and there being no denial thereof, we condone the delay in moving this application so as to enable the applicant to bring on record the heirs and legal representatives of the deceased respondent no. 3. Entirely at the consequences and risk of the applicant and without prejudice to the rights and contentions of all parties on merits that we allow this application in terms of prayer clauses (b) and (c) also.

5. The amendment in terms of the Schedule be carried out within a period of two weeks from the date of receipt of a copy of this order. Let the applicant's advocate also place on record the correct and changed address of the respondent, who is now proposed to be substituted.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)